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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,581	03/15/2004	John P. Godwin	PD-200248A	1666

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EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,581

Applicant(s)

GODWIN ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) 28-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is responsive to the election made on 3/9/2006.

Claims 17-27 were cancelled. Claims 1-16 and 28-33 are pending.

Claims 28-33 are subject to cancellation in view of the election without traverse of group I, (i.e. claims 1-16).

Claim Objections

1. Claim 11 is objected to because of the following informalities:

In claim 11, line 2, the term "signal" is redundant.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Thibadeau et al, US (5,432,542). Hereinafter referred to as Thibadeau.

Regarding claim 1, with reference to figures 6 and 7, Thibadeau discloses a transmitter for broadcasting messages (claimed generating a broadcast signal), and a memory (within the receiver) for storing a location selection code (claimed storing a user geographic identifier in a receiver), comparing the location selection code and the location designation code, and for identifying an overlap, and processing selected ones of the information units as a function of overlap, see column 15, lines 29-50, wherein

the processing includes displaying the message on the screen, as a message-over-video, see column 14, lines 18-30. (Claimed displaying the overlay and the broadcast signal)

Regarding claim 5, Thibadeau disclose that the broadcast signal comprises the a designation code, see abstract. (Claimed generating a broadcast signal including a broadcast geographic identifier).

Regarding claim 7, Thibadeau discloses having geographic identifier as a zip code, see column 4, lines 57-67.

Regarding claims 9 and 10, Thibadeau disclose the data being transmitted using any means such as direct satellite. See column 7, lines 12-28. (Claimed generating the broadcast signal through a high altitude platform (as in claim 9) , the high altitude platform comprises a satellite (as in claim 10).

Regarding claim 11, with reference to figures 6 and 7, Thibadeau discloses a broadcasting system comprising:

transmitter for broadcasting messages (figure 6) (claimed an uplink facility generating a broadcast signal),

receiver including a memory (Figure 6), the memory for storing a location selection code, (claimed a geographic identifier memory storing a receiver geographic identifier), see column 15, lines 29-50; further Thibadeau discloses storing the broadcast received message for later retrieval, and directing the message to a plurality of externally connected devices, see column 14, lines 23-29; a processor (figure 6) for processing selected ones of the information units as a function of overlap, see column

15, lines 29-50, wherein the processing includes displaying the message on the screen, as a message-over-video, see column 14, lines 18-30 (Examiner interpreted storing the message for later retrieval of Thibadeau to be the claimed overlay memory for storing an overlay, because in addition to the memory for storing a location selection code, an additional memory is required for the later retrieval, and the processor that provides message-over-video displaying as being the claimed controller for overlaying said overlay signal onto said broadcast signal in response to said receiver geographic identifier)

a receiver circuit is inherent to the receiver of Thibadeau, because that is needed for receiving the broadcast segments.

Regarding claims 6 and 12, Thibadeau discloses a processor for comparing the location selection code and the location designation code, and for identifying an overlap, and processing selected ones of the information units as a function of overlap, see column 15, lines 29-50. (Claimed broadcast signal comprises a broadcast geographic identifier, said controller comparing the broadcast geographic identifier with said receiver geographic identifier, and overlaying said overlay signal in response to comparing).

Regarding claim 13, with reference to figures 6 and 7, Thibadeau discloses a receiving device for a broadcasting system comprising:

receiver including a memory (Figure 6), the memory for storing a location selection code, (claimed a geographic identifier memory storing a receiver geographic identifier), see column 15, lines 29-50; further Thibadeau discloses storing the

broadcast received message for later retrieval, and directing the message to a plurality of externally connected devices, see column 14, lines 23-29; a processor (figure 6) for processing selected ones of the information units as a function of overlap, see column 15, lines 29-50, wherein the processing includes displaying the message on the screen, as a message-over-video, see column 14, lines 18-30 (Examiner interpreted storing the message for later retrieval of Thibadeau to be the claimed overlay memory for storing an overlay, because in addition to the memory for storing a location selection code, an additional memory is required for the later retrieval, and the processor that provides message-over-video displaying as being the claimed controller for overlaying said overlay signal onto said broadcast signal in response to said receiver geographic identifier)

a receiver circuit is inherent to the receiver of Thibadeau, because that is needed for receiving the broadcast segments.

Regarding claim 14, Thibadeau discloses having a local map at the receiver, see column 13, lines 50-66. (Inherently the map is used in the overlaying, because the map is used in receiving the proper segments)

Regarding claims 15 and 16, with reference to figure 6 and 7, Thibadeau discloses a method of broadcasting comprising

storing a location selection code in a memory of the receiver (figure 6),
(claimed storing a user geographic identifier in a receiver), see column 15, lines 29-50;

transmitting a broadcasting messages (see transmitter figure 6), the message being an alert message, see abstract, column 14, lines 25-30; the message comprising

a location code, see abstract, (claimed generating an emergency message signal having an emergency message geographic identifier); a processor for comparing the location selection code and the location designation code, and for identifying an overlap, and processing selected ones of the information units as a function of overlap, see column 15, lines 29-50, (claimed comparing the user geographic identifier to the emergency message geographic identifier in a receive circuit); further Thibadeau discloses directing the message to a plurality of externally connected devices, see column 14, lines 23-29; a processor (figure 6) for processing selected ones of the information units as a function of overlap, see column 15, lines 29-50, wherein the processing includes displaying the message on the screen, as a message-over-video, see column 14, lines 18-30 (claimed displaying said emergency message signal when the user geographic identifier corresponds to the emergency message geographic identifier).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau.

Regarding claims 2, 3, 4, Thibadeau discloses substantially all the limitations of claims 2, 3 and 4, except it doesn't specify overlaying text, graphic or station logo onto the broadcast message, as in respective claims 2-4. However, Examiner takes official notice that these features are well known in the art. Since official office is taken, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made to provide the system of Thibadeau with these features so that the message-over-video messages (Thibadeau, column 14, lines 18-30) would consist of text graphic or a station logo. The advantage would be the ability of Thibadeau's system to provide the subscribers with a variety of notifications.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure See form PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHMED ELALLAM
Examiner
Art Unit 2616
5/30/06



JOHN PEZZLO
PRIMARY EXAMINER